

CLAIM NO: KB-2024-002473

**IN THE HIGH COURT OF JUSTICE
KINGS BENCH DIVISION**

**BEFORE MR JUSTICE JACOBS
DATED 6TH AUGUST 2024**

BETWEEN:-

(1) BIRMINGHAM AIRPORT LIMITED
AND FIVE OTHERS

- v -

(1) PERSONS UNKNOWN WHOSE PURPOSE IS OR INCLUDES PROTESTING ABOUT FOSSIL FUELS OR THE ENVIRONMENT WHO ENTER OR REMAIN ON THE PREMISES AT BIRMINGHAM AIRPORT SHOWN EGGED RED ON PLAN 1 TO THE AMENDED CLAIM FORM (WHETHER IN CONNECTION WITH THE JUST STOP OIL CAMPAIGN OR EXTINCTION REBELLION CAMPAIGN OR OTHERWISE)

AND TWO OTHERS

Defendants

ORDER

PENAL NOTICE

IF YOU, THE DEFENDANTS, DISOBEY THIS ORDER OR INSTRUCT OR ENCOURAGE OTHERS TO BREACH THIS ORDER YOU MAY BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE YOUR ASSETS SEIZED.

ANY OTHER PERSON WHO KNOWS OF THIS ORDER AND DOES ANYTHING WHICH HELPS OR PERMITS THE DEFENDANTS OR ANY OF THEM TO BREACH THE TERMS OF THIS ORDER MAY ALSO BE HELD TO BE IN CONTEMPT OF COURT AND MAY BE IMPRISONED, FINED OR HAVE THEIR ASSETS SEIZED.

IMPORTANT NOTICE TO THE DEFENDANTS

This Order prohibits you from doing certain acts. You should read this Order very carefully. You are advised to consult a solicitor as soon as possible. You have the right to apply to the court to vary or discharge this Order (which is explained below).



BEFORE THE HONOURABLE MR JUSTICE JACOBS

ON 6 AUGUST 2024

UPON the Claimants' claim by the Claim Form dated 31 July 2024

AND UPON the Claimants' application for an injunction dated 31 July 2024 ("**the Application**")

AND UPON READING the Application and the witness statements of Stuart Sherbrooke Wortley dated 1 August 2024 and dated 6 August 2024, Nick Barton dated 31 July 2024, John Irving dated 31 July 2024 and Graeme Gamble dated 31 July 2024 ("**the Witness Statements**")

AND UPON hearing Mr Morshead K.C. and Mr Sibley, Counsel for the Claimants and no one attending for the Defendants

AND UPON the First Claimant giving and the Court accepting the undertakings set out in Schedule 2 to this Order

AND UPON the First Claimant informing the Court that any requests from those wishing to carry out peaceful protest to designate an area for that purpose at Birmingham Airport, as defined by this Order, should be made by email to protestrequest@birminghamairport.co.uk

AND UPON the Claimants amending the sealed Claim Form and Particulars of Claim prior to service, pursuant to CPR 17.1(1), to substitute a new plan 1 for Birmingham Airport and to amend the definitions of the Defendants

DEFINITIONS

"**Birmingham Airport**" means the land outlined in red on Plan 1 to the Amended Claim Form, appended to this Order in Schedule 1 ("**Plan 1**").

"**Warning Notice**" means a notice in the form as set out in Schedule 4 to this Order.

IT IS ORDERED THAT:

INJUNCTION

1. With immediate effect, unless varied, discharged or extended by further order, the First Defendant and each of them are forbidden from entering, occupying or remaining on any part of Birmingham Airport for the purpose of protesting about fossil fuels or the environment without the prior consent of the First Claimant.

REVIEW

2. The injunction set out at paragraph 1 of this Order shall be reviewed annually on each anniversary of the Order (or as close to this date as is convenient having regard to the Court's list) with a time estimate of 2 ½ hours. The Claimant is permitted to file and serve any evidence in support 14 days before the review hearing. Skeleton Arguments shall be filed at Court, with a bundle of authorities, not less than 2 days before the hearing. The injunction set out at paragraph 1 of this Order shall lapse at 4pm on the anniversary of the order (or as the case may be the latest annual review) unless, before then, the Claimant has applied for the review to take place.

SERVICE/NOTIFICATION

3. Service of the Amended Claim Form and the Application for injunction is dispensed with, pursuant to CPR 16, 6.28 and 81.4(2)(c).
4. This Order, the Amended Claim Form, Application Notice and evidence in support will be served on or notified to the Defendants by the Claimants carrying out each of the following steps:
 - a. Uploading a copy onto the following website:
<https://www.Birminghamairport.co.uk/injunction>.
 - b. Sending an email to the email addresses listed in Schedule 3 to this Order stating that a claim has been brought and an application made, and that the documents can be found at the website referred to above.
 - c. Affixing a Warning Notice approximately at those locations marked with an "X" on Plan 1 setting out where these documents can be found and obtained in hard copy.
5. Service on or notification to the Defendants of any further applications or documents shall be effected by carrying out the steps in paragraphs 4a and 4b above.
6. In respect of paragraphs 4 and 5 above, effective service or notification will be deemed to have taken place on the date on which all the relevant steps have been carried out.
7. For the avoidance of doubt, in respect of the steps referred to at paragraphs 4 and 5, effective service or notification will be deemed to have taken place when the documents have all been first affixed regardless of whether they are subsequently removed.

8. A Note of the Hearing shall as soon as reasonably practicable be uploaded onto:
<https://www.Birminghamairport.co.uk/injunction>.
9. The Court will provide sealed copies of this Order to the First Claimant's solicitors for service or notification (whose details are set out below).

FURTHER DIRECTIONS

10. Anyone may apply to the Court at any time to vary or discharge this Order or so much of it as affects that person but they must first give the First Claimant's solicitors 72 hours' notice of such application by email to StuartWortley@eversheds-sutherland.com. If any evidence is to be relied upon in support of the application the substance of it must be communicated in writing or by email to the First Claimant's solicitors at least 48 hours in advance of any hearing.
11. Phoebe Plummer and/or Indigo Rumbelow shall be notified by being sent a link to the Claim Documents and Order by email at the addresses in Schedule 3 to this Order as soon as practicable.
12. Any person applying to vary or discharge this Order must provide their full name, address and address for service to the First Claimant's solicitors.
13. The First Claimant has liberty to apply to vary, extend or discharge this Order or for further directions.
14. No acknowledgment of service, admission or defence is required by any party until further so ordered.
15. Costs are reserved.

COMMUNICATIONS WITH THE FIRST CLAIMANT

16. The First Claimant's solicitors and their contact details are:

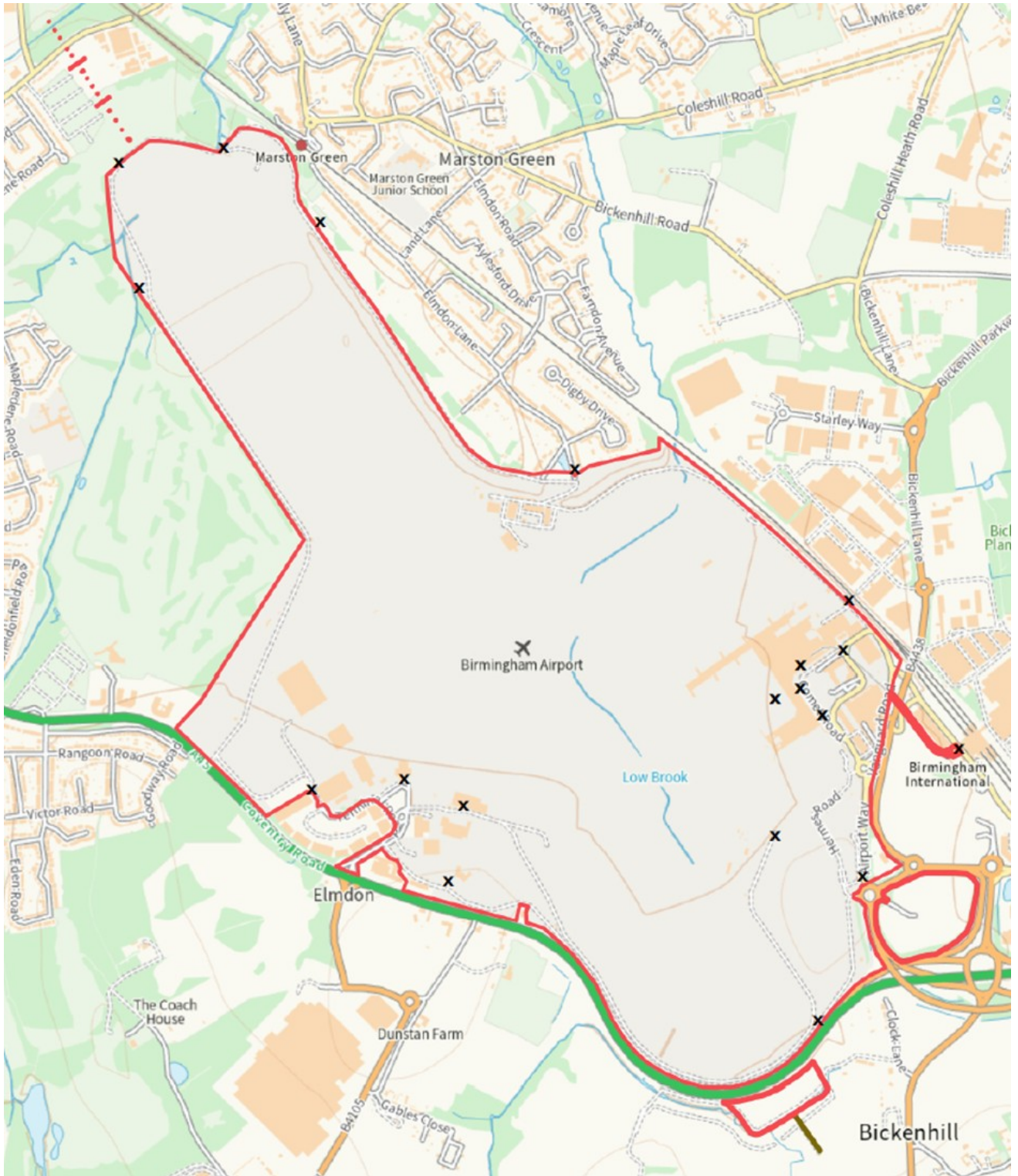
(1) Stuart Wortley
Eversheds Sutherland (International) LLP
StuartWortley@eversheds-sutherland.com
07712 881 393

(2) Nawaaz Allybokus
Eversheds Sutherland (International) LLP
NawaazAllybokus@eversheds-sutherland.com
07920 590 944

COMMUNICATIONS WITH THE COURT

Kings Bench Division, The Royal Courts of Justice, The Strand, London, WC2A 2LL by the Court's E-Filing service at <https://efile.cefile-app.com>

SCHEDULE 1



SCHEDULE 2 - UNDERTAKINGS GIVEN BY THE FIRST CLAIMANT

- (1) The First Claimant will comply with any order for compensation which the Court might make in the event that the Court later finds that the injunction in paragraph 1 of this Order has caused loss to a Defendant and the Court finds that the Defendant ought to be compensated for that loss.

SCHEDULE 3 - EMAIL ADDRESSES

- juststopoil@protonmail.com
- juststopoilpress@protonmail.com
- info@juststopoil.org
- enquiries@extinctionrebellion.co.uk

SCHEDULE 4 - WARNING NOTICE

NOTICE OF HIGH COURT ORDER DATED 6 AUGUST 2024 (“the Order”)

TO: PERSONS UNKNOWN WHOSE PURPOSE IS OR INCLUDES PROTESTING ABOUT FOSSIL FUELS OR THE ENVIRONMENT WHO ENTER OR REMAIN ON THE PREMISES AT BIRMINGHAM AIRPORT SHOWN EDGED RED ON PLAN 1 TO THE AMENDED CLAIM FORM (WHETHER IN CONNECTION WITH THE JUST STOP OIL CAMPAIGN OR EXTINCTION REBELLION CAMPAIGN OR OTHERWISE) (the “**Defendants**”)

FROM: Birmingham Airport Limited (the “**First Claimant**”)

This notice relates to the land known as Birmingham Airport which is shown edged red on the Plan below (the “**Airport**”).

The Order prohibits entering, occupying or remaining upon any part of the Airport for the purpose of protesting about fossil fuels or the environment without the prior consent of the First Claimant.

You must not do any of the above acts either yourself or by means of another person acting on your behalf, instructions or encouragement.

You must not contravene the terms of the Order and if you do, you may be in contempt of Court and sent to prison, fined or have your assets seized

Any person affected by the Order may apply to the Court at any time to vary or discharge it but if they wish to do so they must inform the First Claimant’s solicitors by email to the address specified below 72 hours before making such application of the nature of such application and the basis for it.

The Order, copies of the Claim Documents which relate to the Order and a note of the hearing on 6 August 2024 may be viewed at: <https://www.Birminghamairport.co.uk/injunction>

Copies may also be obtained from the Information Desk or by contacting Stuart Wortley of Eversheds Sutherland on 0771 288 1393 or by email stuartwortley@eversheds-sutherland.com.

